

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

MICHAEL D. CARVER,

Petitioner,

v.

JERI-ANN SHERRY,

Respondent.

Case No. 2:04-CV-257

Hon. Richard Alan Enslen

ORDER

This matter is before the Court on Petitioner Michael D. Carver's Motion for a Certificate of Appealability and Objections to United States Magistrate Judge Timothy P. Greeley's Report and Recommendation of February 8, 2006 ("Report"). The Report recommended that Petitioner's *habeas corpus* application be denied. The Report also recommended that Petitioner be denied a certificate of appealability. Petitioner was required to object to the Report within ten days. 28 U.S.C. § 636(b)(1)(C); FED. R. CIV. P. 72(b); W.D. MICH. LCIVR 72.3(b).

On February 21, 2006, Petitioner moved for leave to extend the time period under which he may object to the Report. That motion was denied on February 22, 2006. Hearing no objection, on February 27, 2006, the Court entered a Judgment terminating this case. The Court's Judgment specifically adopted the Report and Recommendation, dismissed Petitioner's *habeas corpus* application, and denied Petitioner a certificate of appealability as to each issue raised. On March 20, 2006, Petitioner moved for a certificate of appealability. On March 23, 2006, Petitioner filed his Objections to the Report.

Petitioner's Objections are untimely and moot since the Court has already dismissed his *habeas corpus* application, denied him a certificate of appealability, and terminated this case.

Petitioner has presented no evidence nor shown any cause which warrants alteration of the Court's February 27, 2006 Judgment nearly a month after its entry.

THEREFORE, IT IS HEREBY ORDERED that Petitioner Michael D. Carver's Motion for a Certificate of Appealability (Dkt. No. 39) and Objections to United States Magistrate Judge Timothy P. Greeley's Report and Recommendation of February 8, 2006 (Dkt. No. 40) are **DENIED**.

DATED in Kalamazoo, MI:
April 18, 2006

/s/ Richard Alan Enslen
RICHARD ALAN ENSLEN
SENIOR UNITED STATES DISTRICT JUDGE